

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved 09/02/2010

THURSDAY, August 5, 2010, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Clow and Commissioners: Collins, Harpootlian, Abraham, and Partridge.

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Cynthia Richardson, Consultant Planner; and Victoria Ortland, Planning Secretary.

2. RE-ORGANIZATION OF THE PLANNING COMMISSION

Chairman Clow congratulated John Harpootlian and Richard Partridge on their City Council reappointment to the Planning Commission.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Collins and seconded by Commissioner Harpootlian to appoint Jim Abraham as Planning Commission Chairman for a one year term.

Chairman Abraham thanked Commissioner Clow for his service on the Planning Commission, his two terms as Chairman, and the time efficient and respectfully conducted meetings he had presided over. He presented a gift from the Planning Commission to Commissioner Clow.

Commissioners Collins, Harpootlian, and Partridge also expressed their gratitude to Commissioner Clow.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Clow and seconded by Commissioner Harpootlian to appoint Ray Collins as Planning Commission Vice-Chairman for a one year term.

3. PRESENTATIONS FROM THE FLOOR - None

4. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Collins had spoken with the applicant and neighbors of Item 4.1 and the applicant of Item 4.2; Commissioner Harpootlian had spoken with the applicant, architect, and neighbors of Item 4.1; Commissioner Partridge had spoken with the applicant, architect, and a neighbor of Item 4.1 and the applicant

of Item 4.2; Commissioner Clow had met with the applicants and the neighbors of Item 4.1; and Chairman Abraham had spoken with the applicant of Item 4.1 and the applicant of Item 4.2.

- 4.1 LANDS OF HOMA NATOMA, LLC, 27270 Natoma Road; File #25-10-ZP-SD-GD; A request for a Site Development Permit for a 25,273 square foot new residence (maximum height 27') with a 2,940 square foot basement, and a 7,200 square foot tennis court. The applicant is requesting a grading policy exception for up to eleven (11) feet of cut for the driveway, fire truck turnaround, and front entry and up to eight (8) feet of fill for the house and yard. (CONTINUED FROM THE MAY 6, 2010 PLANNING COMMISSION MEETING) CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Brian Froelich).

Brian Froelich, presented the staff report for the proposed estate home and Grading Policy exception continued by the Planning Commission from the May 6, 2010 meeting. A tennis court application had been added to the previous submittal. At the May meeting, the Planning Commission had given four directives to the applicants: relocate the home farther down the slope, lower the house elevation by excavation, relocate the roof air conditioning units and remove the roof parapets, and continue to work with the neighbors for view and visible bulk issues. In response, the floor area had been reduced by just under 2,000 square feet; the setbacks, except on the east side, have been increased; the building profile had generally been lowered three to six feet; roof pitch reduced; plate height lowered by two feet; the air conditioning units had been relocated underground; the roof parapets had been removed. A fault trace crosses the property; Murray Engineers recommended a 25-foot horizontal and a 14-foot vertical setback relative to the descent of the fault plane. Two neighborhood outreach meetings were held after the May Planning Commission meeting to address concerns raised about the project. Letters from neighbors, Barkhau and Malek, had been received prior to tonight's meeting stating that the design had been improved but not to the degree expected. A letter delivered at tonight's meeting raised questions regarding the location of the tennis court and mitigation for vehicle headlights on the driveway.

Commissioner Collins confirmed with staff that the information regarding the fault trace had been included in the previous staff report and had been reflected in the original design.

OPENED PUBLIC HEARING

Jenna Ellis, applicant, explained that input provided by the neighbors at the neighborhood outreach meeting, held after the May meeting, was used as the basis for developing the design changes. Many hours of effort from various professionals had been required to gather the needed information in order to present workable, revised plans. A second neighborhood meeting was held later to discuss the plan changes prior to submittal to the Town and placement of the story poles.

Jim Ellis, applicant, said that a great amount of time, energy, emotion, and financial resources had been put into the plan revisions. He and Jenna had tried to understand the concerns of each neighbor affected by the construction of the new residence. The direction of the Planning Commission was carefully considered during the plan revision process. A balance was sought to prevent impacting one neighbor while addressing resolution of concerns for another. Substantial

changes had been made to the plans to share the views with the neighbors. Their objective was to try to be good neighbors and members of the community.

Bob Glazier, summarized the design changes made to the plans, after the May 6, 2010 Planning Commission meeting, that addressed the neighbor's concerns. The location of the house as shown on the revised plans was moved as much as 34 feet along the eastern property line; the MFA had been reduced by 2,000 square feet; portions of the roof were lowered by up to six feet; all roof wells removed; all roof mounted HVAC units removed; two chimneys removed; portions of the driveway had been relocated and lowered up to three feet; temporary landscape screening would be put in place; and removal and trimming of trees could be done to improve views from the Barkhau property. He also offered an additional one foot reduction, beyond the presented plans, in the roof height above the family room/game room due to recent discussions with the project's structural engineer. The oak tree previously planned for removal will be preserved. Added to the revised plan was a tennis court proposed for the lower part of the site.

Andy Murray, Geotechnical Consultant, said Murray Engineers had performed a geotechnical and geologic evaluation for the property. The geotechnical perspective was conducted to provide foundation recommendations and the geologic assessment was conducted for evaluation of the Altamont fault trace. Drilled piers were recommended for the main residence while the basement would be on bedrock. The fault trace setbacks were determined to be 25 feet for the horizontal setback and 14 feet for the vertical setback.

Commissioner Clow asked the dimensions of the existing shed to be removed in the location of the tennis Court.

David DaPonte, architect, estimated that the size of the shed as 12 feet in height and 20 feet by 35 feet. He did not think that the tennis court fence would affect any views.

Commissioner Partridge asked if the tennis court fence would affect the neighbor's view and if the change in the slope of the roof had actually decreased the roof height.

Bob Glazier said the change in the slope of the roof actually reduced the roof ridges and increased the flat area of the roof.

Commissioner Collins asked why there was no change in the kitchen or garage roof height and the interior peak height of the kitchen/family room.

Bob Glazier felt that because the roof ridge had been made smaller by changing the slope and by also making the actual roof smaller, the height was less long than the previous plan. A portion of the roof is at the same height; but the length of the ridge and overall roof mass has been reduced. The peak of the kitchen/family room is 16 feet and goes down to nine feet at the corner walls.

Commissioner Harpootlian said that up to two feet could be taken off the roofline by flattening it in the center.

Bob Glazier said that a flat roof on top of a sloping roof does not look "quite right" and was reminiscent of a McDonald's restaurant.

Jenna Ellis explained that the driveway had been moved toward the middle of the lot and lowered in response to Mr. Chang's concern over headlights shining onto his property from vehicles utilizing the driveway. The tennis court fit in the area between the driveway and Mr. Chang's property. Standard sport fencing would be used to surround the tennis court.

Gary Chang, Carrington Circle, said the applicant had not contacted him. He felt the tennis court was too close to his property line. It would block his views to the bay; create noise problems, and the airborne tennis balls could potentially break the windows in his house. He wanted the tennis court relocated to the northeast corner of the property.

Lisa Warren, Cupertino, commented that if the new structure were made smaller, the fault issue would be avoidable. She said the original roof design had been in a McDonald's restaurant style. It must be considered that the story poles provide only an outline of the structure and do not represent the mass of the building. A great portion of the view that her mother has treasured for over 40 years will be blocked and the true view will be gone forever. While the applicant has made changes in response to direction from the May meeting some things remain unaddressed. The finished floor elevation has not been reduced from 705 feet; this fact combined with the building design as it relates to the ceiling and roof height resulted in an average reduction in roof elevation of approximately two feet. The total elevation is actually higher in at least one area. That is particularly important to note in the expansive spaces at the west end and center of the project. The solution would be to create a lower building elevation by reducing ceiling and/or roof height in these areas.

William Shreve, Almaden Court, spoke in favor of the project and felt the Ellis' had communicated very well with him regarding the plans and the design changes. He strongly supported construction of one house on the site instead of subdividing the lot further and building additional homes. Moving the house any farther would negatively affect the applicant's view; all the neighbors, including the Ellis', should share the view.

Shohreh Malek, Altamont Road, said that the changes in the plan revision had made some areas better, some worse, and some areas had no change. Two areas were particularly important to the view from her house. The revision had shifted the living room and entry area eastward and more into her view corridor. The height of the top portion of the roof ridge in the living area is still the same as before. She wanted the highest portion of the ridge lowered by three feet by changing the pitch of the roof. In the family room/kitchen area, the highest triangular portion point of the roof ridge needs to go down or be clipped three feet. Lowering the highest roof ridgeline of the living room and family room/kitchen area will greatly improve her view and balance the movement of all the rooflines from her angle and make them less imposing.

Israel Liv, Natoma Road, said he was the neighbor who would be most significantly affected by the building process because the construction traffic would utilize the driveway he shares with the Ellis'. Given the Ellis' prior concern and accommodation for his family to reach their home in bad weather while the driveway construction was underway, he believed they would be supportive to all the neighbors. He said that he has had ongoing good communication with them since they purchased the property. He felt that one home on the site would be better than multiple

houses if the lot were subdivided. The new residence would improve the neighborhood and increase property values. He supported the proposed project and the tennis court.

Alice Arnold, Almaden Court, asked if the Planning Commission's decision would include both the structure and the tennis court. She felt that since the tennis court was an addition to the project as presented in May, there had not been time for discussion on the tennis court and its location.

Debbie Pedro, Planning Director, stated that the second notice for the project had included both the proposed new residence and the tennis court for consideration at tonight's meeting.

Mark Harrison, Page Mill Road, said that he believed that homeowners in Los Altos Hills should develop their property to their liking, as long it does not adversely affect their neighbors or the neighborhood. He wanted the Planning Commission to consider the feelings of all persons affected by the project.

Mina Malek, Altamont Road, supported her mother's, Shohreh Malek, views. She felt that their suggestions for the changes would not be a big of a sacrifice for the Ellis', but would completely affect her family's view. The small reduction in the ceiling height would make a huge impact for the view from her property and she hoped the request would be accommodated.

Ken Arnold, Almaden Court, felt that just because the applicants were building did not give them the right to block the existing views of five families. The people in favor of the project did not have views that would be blocked. He believed the Town had guidelines that were being passed over.

David DaPonte explained that the proposed location for the tennis court is a fairly level area and was made available with the move of the driveway. The cut for the tennis court would be six feet on the southern edge and the fill would be three feet on the northern edge. The northeast corner of the property, where Mr. Chang had suggested locating the tennis court, is steep in areas and has a natural swale running across it. The location of the leach field restricts placement in the central portion of the lot. Two large heritage oak trees prevent moving the tennis court eastward toward the driveway.

Discussion ensued regarding the cut, fill, and fence height for the tennis court.

Commissioner Clow asked Bob Glazier if the Malek's request to lower the roof ridge was possible.

Bob Glazier felt that, considering the size of the interior space in the family room/kitchen, a 16-foot ceiling was needed. He felt the revised design was the best possible solution. He sincerely believed that he had taken everyone's concerns into account for the plan.

CLOSED PUBLIC HEARING

Commissioner Partridge said that Town ordinances allow a house of estate size. He commended the Ellis' on the modifications made to the house. He was still concerned about the impact to the

Malek's view and could fully support the project if the roofline was lowered a one or two feet. The resulting view obstruction was not out of line for the impact of any house build on the site. He had no particular objections to the tennis court or the proposed location, but because of the size and scale of the new residence, he thought the tennis court should be heard at a later date.

Commissioner Clow was impressed with the time and number of changes the applicants made to the design to accommodate the specific concerns of the neighbors. He was also impressed with the effort put forth by the neighbors to make their most important concerns understood by the Ellis'. He felt the Barkhau's would actually have more of a view after the tree removal and trimming. Relocating the air conditioning units and roof wells improved the roof down view looking for the higher properties. The walls of the house have been staggered to break up the solid wall appearance and the structure moved back from the property line. He felt that subdividing the property into more lots to allow more houses would disrupt the neighbor's view more than the single large house. He felt he could go either way with the request by the Malek's for the additional lowering of the roof line. He felt that the tennis court could be approved with the residence.

Commissioner Harpootlian thanked the applicant for the sincere effort to make plan changes for the neighbors. He explained that the Planning Commission makes attempts to mitigate the impact of a project with specific direction from the Town ordinances; not restrict the ability for a home to be built. He suggested lowering the roof line over the game room and family room; he did not recommend lowering the roof over the living room area. He was not comfortable making a decision on the tennis court without visiting the Chang property and thought that portion of the application should be heard at the time of landscape screening.

Commissioner Collins had wanted the house moved down slope and cut more into the landscape but not out and north. She wanted to see a significant difference for the neighbors uphill and in the sight line and the view of the entire house for the neighbors downhill. The geotechnical report showed that the structure could not be moved more down slope, so it was moved out, in order to move it as far as possible from the neighbors uphill. She felt that the Town ordinances suggest that views should be protected. The members of the Planning Commission are to do their best to prevent complete obstruction of views, but not to make sure that 100 percent of the views are retained. The view from the Staschower property has been improved by moving the proposed residence to the north and the view impact for the Barkhau property has also been improved. The Malek's view would be improved by the changes they suggested for the roofline. She supported lowering the roofline over the family room/kitchen by three feet. The application for tennis court should be brought to the Planning Commission at a future time.

Chairman Abraham was impressed by the Ellis' and their architects' efforts to improve the situation for the neighbors. He felt the original submittal had been well within ordinance requirements. Recent buyers of property in Los Altos Hills should enjoy the same rights and protection as other residents. He did not think the impact on the views would be better for the neighbors if several homes were built instead of the proposed house. The decision on the tennis court should be made with the new residence. He supported the project as submitted.

Commissioner Clow suggested lowering the roof line two feet and delaying decision on the tennis court.

Commissioner Harpootlian suggested lowering the roof line section above the family room/game room by one foot.

Commissioner Collins asked if lowering the roof line over the family room/kitchen three feet, lowering the roof line over the living room three feet, and lowering the roof line over the family room/game room by one foot was an option the Commission could consider.

MOTION MADE, AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Clow and seconded by Commissioner Collins to approve the requested Site Development Permit, for the new residence only, with the following changes: the roof section above the family room/kitchen shall be lowered by three feet, the roof section above the living room shall be lowered three feet, and the roof section above the family room/game room shall lowered by one foot.

Planning Director Pedro clarified that the one foot reduction over the family room/game room was to be in addition to the one foot the architect had already offered, for a total of a two foot reduction from the presented plans.

AYES: Commissioners: Clow, Collins, Harpootlian, Partridge, and Chairman Abraham
NOES: None

The new residence portion of this item will be forwarded to the City Council.

MOTION MADE AND FAILED DUE TO LACK OF SECOND: Motion made by Commissioner Clow to approve the requested Site Development Permit for the tennis court.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Clow, and seconded by Commissioner Collins to, with the applicant's consent, continue the tennis court portion of the Site Development Permit application to the next Planning Commission meeting.

AYES: Commissioners: Clow, Collins, Harpootlian, Partridge, and Chairman Abraham
NOES: None

The tennis court portion of this item will be continued to a future Planning Commission meeting.

- 4.2 LANDS OF NICHOLSON, End of Eastbrook Avenue, (APN 336-42-021); File #96-04-08-TM-IS-ND-GD; A request for a three lot subdivision of an existing 12.56 acre parcel. The property is zoned R-A (Residential-Agricultural). CEQA Review: Mitigated Negative Declaration (staff-Cynthia Richardson).

Cynthia Richardson, Consultant Planner, presented the staff report for the three-lot subdivision of the 12.56 acre parcel. All resulting parcels met the requirements of the municipal code and subdivision ordinance. An Initial Study had been prepared and included mitigation measures for biologic considerations, noise reduction measures, and handling of archeological remains. Two specific studies were performed for the Initial Study including a traffic noise assessment and a

biologic report. Parcel A would be accessed from the end of Eastbrook Avenue over the California Water Service property via an ingress/egress easement. The driveway would be shared with Parcel B. Hale Creek bisects Parcel B and an open space easement has been placed over the creek and also 25 feet from the top of the creek bank. An open space easement will connect to the 5.3 acre open space easement on Parcel C. Access to Parcel C is by the panhandle to Dawson Drive. A fault trace exists on Parcel C with a 50-foot human habitation building setback line from the fault. The applicant's geotechnical consultant had requested a 25-foot wide slope easement be placed above a steep slope embankment to protect the area. The subdivision will provide a pathway connection from Eastbrook Avenue to El Monte Road and Dawson Drive to the Juan Prado Preserve. A Subdivision Committee meeting was held on February 2, 2010 with several adjacent neighbors attending. Two letters had been submitted regarding the subdivision.

Commissioner Collins had concerns over the noise levels present on Parcel B and the need for mitigation measures to meet noise standards for the future homes.

Commissioner Clow asked for staff's perspective on the future bridge over Hale Creek.

Staff explained that the original proposal for the creek crossing on Parcel B placed it adjacent to the property line near the freeway. The applicant had recently contacted staff with the possibility of a more suitable location for the bridge. The Planning Commission may request that the pathway easement be expanded to cover more of the open space easement area along Hale Creek to allow more flexibility for the bridge location.

OPENED PUBLIC HEARING

John Nicholson, applicant, stated that the subdivision would allow for connection of pathways through the property. He agreed to the future voluntary pathway easement along Hale Creek requested by Commissioner Clow, as long as the pathway would not be intrusive to the privacy of the future home on Parcel B. He had tried to speak with all the neighbors that had attended the Subdivision Committee meeting and had met with the Lulls. He understood the Lull's concerns and said that because Parcel A was a large unrestricted lot, many design options should be available. He had presented the Lull's with a letter stating that he would introduce potential buyers of Parcel A to them before close of escrow. He had also met with the Emerzians; their main concern was about construction traffic. Cal Trans engineers had approved the plan for the intersection at Magdalena Avenue. A letter from the Emerzians had been received questioning Parcel C's compliance with the Dawson Subdivision CC&R requirements regarding access to Parcel C. The CC&R requirements had been met because no easement had been requested; a lot line adjustment had been completed and the access was now part of Parcel C.

Commissioner Collins suggested that the proposed building site shown on the plans for Parcel A be moved to the other side of the driveway

Commissioner Partridge asked if Parcel B could accommodate a residence.

John Nicholson replied that several possible options for a residence had been discussed for Parcel B. The future property owner would submit the specific design.

Anna Brunzel, Pathways Committee, said the Committee had visited the property numerous times and the proposed pathways met the Committee's recommendations. The two pathways are important for future connections for Magdalena Avenue to El Monte Road and the loop up to Dawson Drive. The Pathways Committee had not discussed the additional voluntary pathway along Hale Creek suggested by Commissioner Clow.

Jeff Pack, Noise Consultant, responded to Commissioner Collins' concerns, explaining that comparing perceived noise experienced onsite against the Sound Studies' contour maps can be misleading, depending on the location, time of day, and topography of the site. The contours are expressed in terms of a 24-hour average noise exposure and noise levels fluctuate throughout the day and night.

Staff explained that at the time of Site Development, an acoustic engineer must verify that each new residence will comply with an indoor decibel level of 45 and outdoor decibel level of 60.

Harry Emerzian, Dawson Drive, said at the time his home was built, Bob Crowe, the City Manager, was building a house on the lot next to the current Parcel B. When asked about future use of the acreage that is now proposed for the Nicholson Subdivision, Bob Crowe had verbally guaranteed that the property would never be developed because it was landlocked.

Karen Emerzian, Dawson Drive, was concerned if the rules and regulations of the original subdivision CC&R's would be applied to the new subdivision. She asked about the address designations for the new residences.

Donald Lull, Rebecca Lane, stated that Robert Crowe, former City Manager, along with the former Town engineer, Planning Commissioners, and engineering professionals, had said that no development would occur on what is now the Nicholson land. He felt that in the past, the property had been misrepresented and he had paid for something that he didn't get. He explained that the large expanses of glass of his home were directed toward Parcel A; any development on the Parcel would significantly affect his privacy. He requested that the Planning Commission deny the application for the subdivision.

Chairman Abraham said that without written documentation, the Planning Commission could take no action on the verbal promise.

Commissioner Collins said that people who had no legal standing regarding the property had made the comments about the Nicholson land.

Commissioner Harpootlian said that privacy and view mitigation for Donald Lull's property would be discussed at the Site Development Permit public hearing. He reiterated the offer from John Nicholson to convey the concerns of Mr. Lull to interested buyers of Parcel A.

Commissioner Clow commented that Donald Lull's written letters would be part of the public record; they would be available for viewing by potential purchasers of Parcel A.

Janet Lull, Rebecca Lane supported the comments made by Donald Lull, Karen Emerzian, and Harry Emerzian. The main concern to her was to maintain the view and privacy for her property. She suggested that the new home on Parcel A be single story and lowered on the site.

Preston Chan, Dawson Drive, said that the previous owner of his property had claimed that the Nicholson land was open space. He felt the proposed building area on Parcel C was very close to his house and asked if it was possible to relocate it elsewhere on the lot.

Chairman Abraham explained that the large open space easement covered the steepest parts of the lot and the level portion was the building area; moving the conceptual building site would be difficult.

Pat Ley, Ortega Drive, said that a fault line existed on Parcel C and restricted the location of a new residence.

CLOSED PUBLIC HEARING

Commissioner Collins supported the subdivision as submitted, but suggested that the plans for Parcel A be redrawn to show the footprint of the conceptual house relocated on the other side of the driveway.

Commissioner Harpootlian had no comments.

Commissioner Clow supported the subdivision along with the addition of a voluntary pathway easement along the west side of Hale Creek. If in the future, easements become available on properties further up the creek, a pathway could extend from the Mary Stutz path to the freeway. Residents in the Quarry area of Los Altos Hills had expressed interest in establishing a pathway following that route. Mr. Nicholson would not be asked to construct a path and any pathway would be planned to be unobtrusive to the home built on Parcel B. The voluntary pathway easement would overlay the open space easement.

Commissioner Partridge supported the subdivision and was pleased with the pathways and open space easements. He wanted permanent documentation of the importance for view and privacy protection for the Lull's property from any future development on Parcel A .

Commissioner Clow felt that if Donald Lull had an objection to the future Site Development Permit for a new residence on Parcel A, the Planning Commission should review the project.

Debbie Pedro said that a condition of approval could be written to that effect.

Commissioner Partridge felt that Parcel A should not qualify for a Fast Track hearing because of the serious impact any residence built on the lot would have on the Lull's property.

Chairman Abraham supported the subdivision and did not agree that the Site Development Permit for Parcel A should require review by the Planning Commission. He suggested a pathway easement on the east side of Hale Creek to extend up the hill approximately 100 feet to a less steep area to make bridge construction and passage easier.

John Nicholson said that a simple solution would be to change the open space easement to an open space/pathways easement on Parcel A until the bridge location can be determined. Then the pathways easement could be defined from the open space easement. The proposed and voluntary pathway along Hale Creek must be unobtrusive to the new residence on Parcel B.

MOTION MADE, AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Harpootlian and seconded by Commissioner Clow to forward a recommendation to the City Council to approve the Tentative Parcel Map, Mitigation Monitoring Program, and Mitigated Negative Declaration. The placement of the pathway along Hale Creek shall be determined by staff within the open space easement with an additional voluntary pathway easement along the west side of Hale Creek with a short portion on the south side of Parcel B. The voluntary pathway along Hale Creek shall be designed to be unobtrusive to any future residence built on Parcel B.

AYES: Commissioners: Clow, Collins, Harpootlian, Partridge and Chairman Abraham
NOES: None

This item will be forwarded to a future meeting of the City Council.

- 4.3 LANDS OF JOHNSON, 24182 Summerhill Avenue; File #42-10-ZP-SD-GD; A request for a Site Development Permit for a new 5,000 square foot two story residence (maximum height: 27') with a 3,523 square foot basement, and a 480 square foot swimming pool. The applicant is also requesting a Grading Policy exception for up to 10.8' of cut for the basement garage and up to 5.3' of fill for the house and front yard. CEQA Review: Categorical Exemption per Section 15303 (a) and (e) (staff-Nicole Horvitz).

Debbie Pedro, Planning Director, presented the staff report for the proposed two-story residence with a basement and swimming pool. The basement level of the house will contain a four-car garage and second unit. The property has a .98 net lot area with a 27 percent slope. Three oak trees, with a trunk diameter of less than 12," and one pine tree are planned for removal. The existing driveway on the northwest corner of the lot will be removed and a new driveway relocated and realigned to maintain a slope of less than 15%. A Grading Policy exception is requested for up to 10'10" of cut for the basement garage and 5'4" of fill at the front of the house. A letter of opposition to the project had been received from a neighbor on Young Court in the unincorporated Santa Clara County area.

Commissioner Harpootlian asked if a Grading Policy exception had been requested for the light well; there was up to 11' of cut required.

Debbie Pedro replied that light wells are considered to be an extension of the basement and not subject to the grading policy limits.

Commissioner Partridge said the front elevation of the new residence appeared as a three-story façade.

OPENED PUBLIC HEARING

Rodger Griffin, Architect, explained the project through the final submittal. To retain existing landscape screening, only four of the trees on the site are proposed for removal. Much of the home and garage is below grade to facilitate the overall lower profile; the driveway and turnaround are at a lower elevation to accommodate the Fire Department's maximum slope requirements. Based upon the staff report's recommendations, the following modifications are proposed: the walkway at the front of the study will be lowered 6"; the powder room will be lowered 1'3"; and the walkway at the front of the dining room will be lowered 1'4". An approval of a Grading Policy exception for the front patio and a 1' Grading Policy exception for the walkway at the dining room is requested of the Planning Commission. The existing driveway will serve the site during construction and the new driveway installed close to project completion. The applicant had met with the neighbors and additional side yard landscape screening will be proposed at the time of framing inspection.

Commissioner Clow asked if the applicant would consider removal of the Eucalyptus trees on the property as a fire precaution.

Commissioner Harpootlian said the structure looked like a three-story residence. The open sides on the basement with the small amount of dirt along the front come across as a way to accommodate the basement ordinance. Of concern was the 36' wide light well and the section of the lowest story that did not qualify as a basement. The house could be moved back six feet on the lot to meet the criteria for a basement.

Rodger Griffin replied that preservation of the maximum amount of flat area for a back yard was desired.

Pui Li, Summerhill Avenue, said he had not had the opportunity to meet the applicant. He felt that the house appeared as three-story on the south side. The requested Grading Policy exception for 16' of cut for the light well exceeded the allowable 8' of cut. Replacement trees should be installed for landscape screening if the existing eucalyptus trees are removed. He expressed concern that reflected light from the roof mounted solar panels would be directed toward his property; landscape screening is needed.

Staff confirmed the light well depth at 12'6" on the engineering plan.

Sandy Humphries, Environmental Design and Protection Committee, requested installation of additional landscape screening plants to mitigate the doorway lighting around the front and sides of the residence.

Staff suggested a condition of approval could be added stating that landscape screening shall pay special attention to south property line, all existing trees along the south property shall be preserved, and additional screening shall be needed.

CLOSED PUBLIC HEARING

Commissioner Partridge did not support the project. He said the lot had been heavily cut and filled previously to create a building pad; the project requested yet additional cut and fill. The proposed residence appeared as a three-story house; and the structure should be moved back on the site.

Commissioner Clow supported the project. The existing eucalyptus trees did not provide any landscape screening and he preferred to have them removed.

Commissioner Collins could support the project only because it had been explained that the amount of cut for the basement garages and driveway was needed for the fire truck turn around slope requirements.

Commissioner Harpootlian did not support the project because of the large light well and the basement area that did not comply with the basement ordinance. He suggested reducing the size of the light well or moving the house back on the lot.

Chairman Abraham supported the project. He felt the basement garage was necessary for the lot and concurred with Commissioner Clow about the eucalyptus trees.

MOTION MADE, SECONDED, AND WITHDRAWN: Motion made by Commissioner Clow, seconded by Chairman Abraham, and withdrawn to approve the requested Site Development Permit for the new residence.

MOTION MADE AND FAILED DUE TO LACK OF SECONDED: Motion made by Commissioner Harpootlian to continue the requested Site Development Permit with the suggestion to move the house back on the lot or reduce the size of the basement on the east side and reduce the size of the light well.

Rodger Griffin said the house could be moved back on the lot by five feet to solve the Grading Policy exception for the fill at the front of the house. Moving the house would also correct approximately 85 percent of the basement concern. The light well can also be reduced in width by three feet to result in a five feet wide light well.

Commissioner Harpootlian liked the five foot width for the light well. He was still concerned about the 36' length of the light well.

Rodger Griffin said the stairway would need to be modified if the house was moved back five feet.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Clow, and seconded by Commissioner Harpootlian to approve the Site Development Permit for the new residence with the following changes: move the house back five feet on the lot and reduce the light well to a five foot width.

AYES: Commissioners: Clow, Collins, Harpootlian, and Chairman Abraham
NOES: Commissioner Partridge

This item will be forwarded to a future meeting of the City Council.

5. OLD BUSINESS – none.

6. NEW BUSINESS – none.

7. REPORTS FROM THE CITY COUNCIL MEETINGS

- 7.1 Planning Commission Representative for June 17th – Commissioner Clow
- 7.2 Planning Commission Representative for July 15th – Commissioner Partridge
- 7.3 Planning Commission Representative for August 19th – Cancelled
- 7.4 Planning Commission Representative for September 16th – Commissioner Harpootlian

8. APPROVAL OF MINUTES

- 8.1 Approval of June 3, 2010 minutes.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS: Motion by Commissioner Harpootlian and seconded by Commissioner Partridge to approve the May 6, 2010 minutes.

AYES: Commissioners: Abraham, Collins, Harpootlian, Partridge, and Chairman Clow
NOES: None

9. REPORTS FROM FAST TRACK MEETINGS –JUNE 8, JUNE 29, JULY 20, JULY 27, AND AUGUST 3, 2010

- 9.1 LANDS OF DOTY, 14190 Amherst Court; File #24-10-ZP-SD-GD; A request for a Site Development Permit for a 1,440 square foot single story addition and remodel (Maximum height: 20'9") to the residence and secondary dwelling unit, and a new cabana and swimming pool. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Nicole Horvitz) (approved with conditions).
- 9.2 LANDS OF KIRK, 26045 Newbridge Drive; File #8-10-ZP-SD; A request for a Site Development Permit for a 1,171 square foot first and second story major addition (maximum height: 27') and interior remodel. CEQA Review: Categorical Exemption per Section 15303(a) (staff-Nicole Horvitz) (approved with conditions).
- 9.3 LANDS OF RIGA, 14174 Liddicoat Drive; File #63-10-ZP-SD-GD; A request for a Site Development Permit for a new 4,993 square foot two story residence (maximum height: 31 feet). CEQA Review: Categorical Exemption per Section 15303(a) (staff-Brian Froelich) (approved with conditions).

- 9.4 LANDS OF YARLAGADDA, 12368 Melody Lane; File #54-10-ZP-SD-GD; A request for a Site Development Permit for a 5,920 square foot two story new residence (maximum height: 26') with a 4,162 square foot basement and 680 square foot swimming pool. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Nicole Horvitz) (approved with conditions).
 - 9.5 LANDS OF STEPHAN, 26062 Todd Lane; File #55-10-ZP-SD; A request for a Site Development Permit for a 683 square foot major addition/remodel and relocated driveway access point (Maximum height: 20 feet). CEQA Review: Categorical Exemption per Section 15301 (e) (staff-Brian Froelich) (approved with conditions).
 - 9.6 LANDS OF CHUI, 10444 Berkshire Drive; File #78-10-ZP-SD; A request for a Site Development Permit for major remodel and a 102 square foot addition (Maximum height: 22'). CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Nicole Horvitz) (approved with conditions).
 - 9.7 LANDS OF BOYLE, 26111 Mulberry Lane; File #67-10-ZP-SD; A request for a Site Development Permit for a 2,270 square foot first and second story addition and remodel (Maximum height: 26') new 771 square foot pool house (secondary dwelling unit) and 767 square foot swimming pool. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Nicole Horvitz) (approved with conditions).
 - 9.8 LANDS OF JOHNSON AND LANDS OF RUMORE, 13090 Alta Lane North and 13091 Alta Lane North; File #117-10-LLC; A request for a lot line adjustment. The proposal would result in an equal exchange of lot square footage. CEQA Review: Categorical Exemption per Section 15305 (a) (staff-Brian Froelich) (approved with conditions).
10. REPORTS FROM SITE DEVELOPMENT MEETINGS – JUNE 15, 2010
- 10.1 LANDS OF RIZZI, 12615 Miraloma Way; File #56-10-ZP-SD; A request for a Site Development Permit for landscape screening for a 914 square foot first and second story addition approved on October 14, 2008. CEQA review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz) (approved with conditions).
 - 10.2 LANDS OF BURGER, 11580 Old Ranch Road; File #30-10-ZP-SD; A request for a Site Development Permit for landscape screening of a 5,833 square foot new residence approved on July 17, 2008. CEQA review: Categorical Exemption per Section 15304 (b) (staff-Brian Froelich) (approved with conditions).

11. ADJOURNMENT

The meeting was adjourned by consensus at 12:29 p.m.

Respectfully submitted,

Victoria Ortlund
Planning Secretary